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Status of Claims

Claims 22-24, 26, 28-40, 42 and 43 have been rejected under 35 U.S.C 103(a) as unpatentable over Bowmaster in view of Dive.

Claims 22, 30, 34, 36-40, and 42 have been canceled.

The application has one pending independent claim 43.

Claim 43

Some relatively minor clarifying amendments have been made to claim 43. Support is provided by present application page 8 lines 10-16.

Claim 43 requires the following features, amongst others,

(i)   detecting frame offset discontinuities at the first network element on the basis of detection of an alteration of a pointer value wherein in response to detection of a frame offset discontinuity condition, transmitted pointer values are altered stepwise at the first network element,

(ii)   during a time interval necessary for detection and signalling to the second network element of the frame offset discontinuity, a last valid pointer value received in advance of the discontinuity condition is transmitted to the second network element.

As regards feature (i) outlined above, it is submitted that a frame offset discontinuity is a phase jump, corresponding to a discrete change in pointer value, see page 1 lines 21 to 27. This is not the same as a frequency offset, which results in a small continuous drift in pointer values. Bowmaster discloses use of pointer increments/decrements to compensate for frequency offset, see Examiner's paragraph 7 of the office action, see also Bowmaster column 3 lines 66-67, column 4 lines 1 to 4. In contrast, the present invention according to claim 43 feature (i) above involves use of stepwise increments/decrements in pointer value to adapt to phase jumps.

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As regards feature (ii) above, it is respectfully submitted that Bowmaster also does not disclose that feature. Regarding, in particular, its column 13 lines 58 to 63, Bowmaster discloses there is a first (basic) test signal with a first pointer then a second ("modified") test signal with a second pointer. This is not the same as the present invention feature (ii), which requires that the last pointer value is kept until the discontinuity has been signalled to the second network element.

None of the other cited art, for example Dive, appears to provide or suggest these features (i) and (ii) above that Bowmaster lacks. The present invention has the advantage of improved handling of frame offset discontinuities in a network involving Tandem Connection Monitoring (TCM).

In view of the above, it is respectfully submitted that claim 43 is patentable to the standard of 35 U.S.C 103.
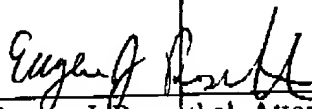
<u>Dependent Claims</u>

The remaining dependent claims are patentable not least on the basis that they each depend on independent allowable claim 43.

<u>Conclusion</u>

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' undersigned attorney at **732 949 1857.**

Respectfully,

By _Eugene J. Rosenthal_

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Date: 6 28 06

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